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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,407	09/29/2000	Jason R. English	020431.0737	9678

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Baker Botts LLP
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EXAMINER

KOPPIKAR, VIVEK D

ART UNIT PAPER NUMBER

3626

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,407

Applicant(s)

ENGLISH, JASON R.

Examiner

Vivek D Koppikar

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u.k.

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/29/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Application

1. This communication is in response to the application filed on September 29, 2000. The Information Disclosure Statement (IDS) statement filed by the applicants on February 12, 2002 has been acknowledged. Claims 1-30 are pending in this application and have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 10-14, 16-23 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,899,979 to Miller in view of US Patent Number 6,016,478 to Zhang.

Miller is directed towards a method and system for automatically integrating scheduled work items onto an electronic calendar.

As per claims 1, 13 and 29-30, which are directed towards application-driven scheduling systems and software, Miller teaches a means to receive at least one schedule item and associated time information from at least one application (Col. 2, Ln. 58-67; Col. 3, Ln. 20-48 and Figures 4-6), a means to generate the schedule containing the item (Col. 3, Ln. 49-61 and Figures 4-6) and a rendering engine operable to render the schedule for display to at least one user or a plurality of users (Col. 2, Ln. 10 – Col. 3, Ln. 15; Col. 3, Ln. 49-61 and Figures 4-6).

The electronic calendar of Miller fails to teach a means of determining whether the time information for the item satisfies one or more scheduling criteria and a means to determine a location for the item within a schedule according to the time information (if the inputted time information satisfies the schedule criteria). However, the above mentioned features are well-known in the art as evidenced by Zhang, which teaches a means of determining whether the time information satisfies the schedule criteria and determines a location for the item within a schedule according to the time information (if the inputted information satisfies the schedule criteria) (Col. 67, Ln. 1-16). At the time of the invention, one of ordinary skill in the art would have been motivated to add this feature to the electronic calendar of Miller with the expectation of providing an electronic calendar better suited for multiple individuals at different locations (Zhang, Col. 1, Ln. 14-18).

As per claim 2, in Miller an item is incorporated into the schedule dynamically in response to its generation at the application (Col. 3, Ln. 39-48 and Figures 4-6).

As per claim 3, in Miller the schedule comprises one or more cells and the location for the item is within a particular cell, the scheduling engine operable to determine the cell for the item and determine the location for the item within the cell according to the time information (Figures 4-6).

As per claim 4, in Miller the location for the item within the cell is determined according to a percentage of the width of the cell corresponding to the time information (Figures 4-6).

As per claim 5, in Miller the schedule criteria is received from a user in association with a schedule request (Figures 4-6 and Col. 3, Ln. 39-48).

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As per claim 6, in Miller the schedule criteria comprises one or more categories, the scheduling engine operable to determine a category for the item and determine whether the category for the item satisfies the schedule criteria (Figures 4-6 and Col. 3, Ln. 23-61).

As per claims 7 and 14, in Miller is silent with respect to the language (HTML) or platform (web server and webpage) which is used to create the calendar. However, the examiner takes Official Notice that these are features well-known in the art. At the time of the invention, one of ordinary skill in the art would have been motivated to use HTML because of the user friendliness of ease of use of the language. Further, one of ordinary skill in the art would have been motivated to create a calendar using HTML on a webpage and host the calendar on a web server in order to range a larger audience.

As per claims 10 and 16, in Miller the scheduling engine is further operable to generate an alt tag for the item, the alt tag comprising information concerning the item for display in response to the user selecting an image associated with the item (Figure 4-the alt tag in Miller is either the "Fax" tag or the "Print" tag among others).

As per claim 11, in Miller the scheduling engine is further operable to incorporate information received from the application concerning the item into the alt tag for the item (Figure 5).

As per claim 12, in Miller the system is operable to generate the schedule for display to a plurality of users substantially simultaneously (Figures 4-6 and Col. 2, Ln. 10-Col. 3, Ln. 15).

As per claim 17, which is directed towards a method of generating application-driven scheduling systems, Miller teaches a step to receive at least one schedule item and associated time information from at least one application (Col. 2, Ln. 58-67; Col. 3, Ln. 20-48 and Figures

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4-6), a step to generate the schedule containing the item (Col. 3, Ln. 49-61 and Figures 4-6) and a step of rendering the schedule for display to at least one user or a plurality of users (Col. 2, Ln. 10 – Col. 3, Ln. 15; Col. 3, Ln. 49-61 and Figures 4-6).

The electronic calendar of Miller fails to teach a step of determining whether the time information for the item satisfies one or more scheduling criteria and a step to determine a location for the item within a schedule according to the time information (if the inputted time information satisfies the schedule criteria). However, the above mentioned features are well-known in the art as evidenced by Zhang, which teaches a step of determining whether the time information satisfies the schedule criteria and a step of determining a location for the item within a schedule according to the time information (if the inputted information satisfies the schedule criteria) (Col. 67, Ln. 1-16). At the time of the invention, one of ordinary skill in the art would have been motivated to add this feature to the electronic calendar of Miller with the expectation of providing an electronic calendar better suited for multiple individuals at different locations (Zhang, Col. 1, Ln. 14-18).

As per claim 18, in Miller an item is incorporated into the schedule dynamically in response to its generation at the application (Col. 3, Ln. 39-48 and Figures 4-6).

As per claim 19, in Miller the schedule comprises one or more cells and the location for the item is within a particular cell, the scheduling engine operable to determine the cell for the item and determine the location for the item within the cell according to the time information (Figures 4-6).

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As per claim 20, in Miller the location for the item within the cell is determined according to a percentage of the width of the cell corresponding to the time information (Figures 4-6).

As per claim 21, in Miller the schedule criteria is received from a user in association with a schedule request (Figures 4-6 and Col. 3, Ln. 39-48).

As per claim 22, in Miller the schedule criteria comprises one or more categories, the scheduling engine operable to determine a category for the item and determine whether the category for the item satisfies the schedule criteria (Figures 4-6 and Col. 3, Ln. 23-61).

As per claims 23, in Miller is silent with respect to the language (HTML) or platform (web server and webpage) which is used to create the calendar. However, the examiner takes Official Notice that these are features well-known in the art. At the time of the invention, one of ordinary skill in the art would have been motivated to use HTML because of the user friendliness of ease of use of the language. Further, one of ordinary skill in the art would have been motivated to create a calendar using HTML on a webpage and host the calendar on a web server in order to range a larger audience.

As per claims 26, in Miller the scheduling engine is further operable to generate an alt tag for the item, the alt tag comprising information concerning the item for display in response to the user selecting an image associated with the item (Figure 4-the alt tag in Miller is either the "Fax" tag or the "Print" tag among others).

As per claim 27, in Miller the scheduling engine is further operable to incorporate information received from the application concerning the item into the alt tag for the item (Figure 5).

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As per claim 28, in Miller the system is operable to generate the schedule for display to a plurality of users substantially simultaneously (Figures 4-6 and Col. 2, Ln. 10-Col. 3, Ln. 15).

6. Claims 8-9, 15 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,899,979 to Miller in view of US Patent Number 6,016,478 to Zhang as applied to claims 1, 13, and 17 above, respectively, and in further view of US Patent Number 6,385,591 to Mankoff.

Miller and Zhang fail to teach or suggest a link to an image associated with an item such that the rendering engine is operable to use the link to retrieve the image for display at the location of the item. However, the above mentioned feature is well-known in the art as evidenced by Mankoff who teaches a link to an image such that clicking the image retrieves the image for display at the location of the item (or link) (Figure 3 and Col. 3, Ln. 50-67).

At the time of the invention, one skilled in the art would have been motivated to add this feature in order to provide a means to automatically download images and information as recited in Mankoff (Mankoff, Col. 1, Ln. 51-55).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


US Patent Numbers 6,345,260 and 6,272,074 are directed towards electronic calendars and schedules.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Vivek Koppikar** whose telephone number is (703) 305-5356. The examiner can normally be reached on Monday-Friday from 8 AM to 5 PM, Eastern Time.

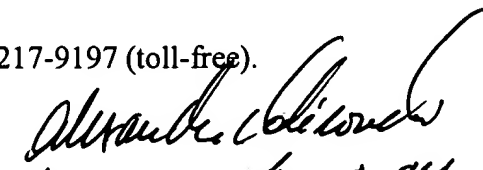
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned are (703) 872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vivek Koppikar

5/11/04


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PRIMARY EXAMINER
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